

Exhibit 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

ECOLAB INC., and NALCO COMPANY, LLC
d/b/a Nalco Water, an Ecolab Company
and/or Nalco Water,

Plaintiffs,

-v-s- Case No. 1:22-cv-00050-TRM-SKL

ANTHONY RIDLEY, and CHEMTREAT, INC.,

Defendants.

Video Examination of COREY DeMARCO,
taken at the instance of the Defendants, under and
pursuant to the Federal Rules of Civil Procedure,
before Dawn M. Lahti, a Certified Realtime Reporter,
Registered Professional Reporter and Notary Public
in and for the State of Wisconsin, with some
participants appearing via Zoom videoconference, at
SpringHill Suites, 1011 Tony Canadeo Run, Green Bay,
Wisconsin, on April 24, 2023, commencing at 9:11
a.m. and concluding at 4:29 p.m.

1 Q Who else in Ecolab has a copy of this document?
2 Well, I would imagine anyone who was a DM or an
3 ABP at that time.

4 Q You said there were approximately 30 DMs; is
5 that correct?

6 A Yes.

7 Q And how many ABPs?

8 A Four or five.

9 Q So roughly 35 people have a copy of this
10 document?

11 A Potentially.

12 Q Is this a trade secret?

13 MR. HONEYCUTT: Object.

14 THE WITNESS: I don't know. It's
15 very confidential information would be in this
16 file. It is our thought process how we're
17 going to approach the market when it comes to
18 price.

19 BY MS. LUND:

20 Q The next file path is d:\Nalco Water files,
21 WL121 district folder, business plan, 2017,
22 WL121 DM bridge plan template final.pptx.

23 Do you see that?

24 A Yes.

25 Q Have you seen this document before?

1 A Maybe not that particular one but one similar
2 to it.

3 Q And when you say "similar to it," how do you
4 know?

5 A Every district manager is challenged to during
6 their fiscal year to create a business plan for
7 their district, and that district business plan
8 contains a bridge which is a waterfall on how
9 they're going to get their district from their
10 base of business to the desired business plan.

11 Q And you said this is something that is created
12 every year?

13 A Yes. We go through an exercise of creating a
14 new bridge and business plan every year.

15 Q And then do the DMs submit the bridge plan to
16 somebody?

17 A Yes. They would roll it up to their regional
18 manager, and the regional manager would then
19 roll it up into a region business plan, and
20 then that would be pulled together for a
21 division business plan.

22 Q So multiple people should have copies of any
23 business plan or bridge plan that's prepared?

24 A For a given district, it might be the district
25 and the regional manager, so two people.

1 Q You said it was rolled up even above the
2 regional manager, correct?

3 A Well, it gets rolled up, but the information in
4 the district manager's plan is used to create
5 the region plan. They don't roll up -- they
6 don't physically move the district manager plan
7 up to the next level.

8 Q And this says it's a template, correct?

9 A Yeah, it does say template.

10 Q So do you know whether it contains any actual
11 business information in it?

12 A It does. Some of the formulas and things are
13 what we came up with that we know specifically
14 about Nalco Water business, so it's very Nalco
15 specific based on what we know about our
16 business in composite.

17 Q When you say "some of the formulas," what
18 formulas specifically are linked to Nalco
19 Water's business?

20 A Well, there's assumptions that we use that
21 comes from Nalco, just our history and
22 knowledge of our business over many years.

23 Q And are those assumptions that the DMs use when
24 they create the business plans?

25 A They were built into the template, and then it

1 is rolled up as they entered information into
2 it.

3 Q So you're saying those are calculations that
4 the Excel spreadsheet does?

5 A Based on knowledge and assumptions of our
6 historical business.

7 Q So is it essentially like for a particular
8 cell, Excel will take -- multiply cell one
9 times cell two?

10 A No, it's more complex formulas than that. You
11 would take some of the historical information
12 that we might know about our business, and
13 different aspects of our business would be
14 built into the formulas.

15 Q And what specifically? Give me an example of a
16 formula that is based on Nalco/Ecolab's
17 historic information that would be contained in
18 this bridge plan template.

19 A Well, like a percent of -- how can I explain
20 it? We know a certain percent of our
21 business -- new business claimed each year
22 grows by a certain percent the next year, and
23 so we use historical data to build in some of
24 the logic behind that, so it's very Nalco
25 specific.

1 Q So if somebody used a different percentage,
2 that wouldn't be Nalco specific?

3 A No, I wouldn't think so. I don't know.

4 Q And do you know whether Nalco's historic
5 experience is consistent with the historic
6 experience of other water treatment providers?

7 A I don't know anything about other water
8 treatment providers. I've only worked here.

9 Q The next file is d:\Nalco Water files, WL121
10 district folder, 2020 price plan, copy of
11 WL121, 2020 price plan.xlsx.

12 Do you see that document?

13 A Yes.

14 Q Have you seen that document before?

15 A Maybe not this specific one, WL121, but one
16 very similar to it.

17 Q And how do you know it's very similar?

18 A Because every district receives a price plan
19 file, and that is a list of every customer by
20 product, the price at current pricing, and the
21 expected price increase and what we expect to
22 get as additional revenue as a result of
23 implementing price.

24 Q So is this related to the price increase that
25 you testified before was rolled out in 2020?